

**FILED**

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

**FEB 10 2010  
SECRETARY, BOARD OF  
OIL, GAS & MINING**

IN THE MATTER OF THE REQUEST FOR :  
AGENCY ACTION OF ENERPLUS :  
RESOURCES (USA) CORPORATION FOR AN :  
ORDER TO FORCE POOL THE INTERESTS OF :  
ALL OWNERS REFUSING OR FAILING TO :  
AGREE TO LEASE THEIR INTEREST OR :  
OTHERWISE BEAR their PROPORTIONATE :  
SHARE OF THE COSTS OF DRILLING AND :  
PRODUCTION OPERATIONS OF THE LIVSEY :  
25-15 WELL DRILLED IN SECTION 25, :  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, :  
USM, UINTAH COUNTY, UTAH. :  
:  
:

**AFFIDAVIT OF JEFF  
SCHROEDER IN SUPPORT  
OF EX PARTE MOTION  
TO SERVE NOTICE BY  
CERTIFIED MAIL AND  
PUBLICATION**

**Docket No.:** 2010-013

**Cause No.:** 131-128

STATE OF COLORADO )  
  :SS  
COUNTY OF DENVER )

JEFF SCHROEDER, having been duly sworn upon oath, deposes and states as follows:

1. I am of legal age and otherwise competent to testify as to all matters contained herein.
2. I am a landman with Enerplus Resources (USA) Corporation, the Petitioner herein ("Petitioner").
3. I am familiar with the matters set forth in Petitioner's Request for Agency Action (the "Request") filed concurrently herewith, and am making this affidavit in support of Petitioner's Ex Parte Motion to Serve Notice by Certified Mail and Publication.

4. On behalf of Petitioner, a search was conducted of the pertinent land records of Duchesne County, Utah involving the lands described in the Request (the "Subject Lands"). The search was conducted over a period of more than six months and involved the services of a contract landman and Petitioner's in-house staff.

5. The Subject Lands consist of a single governmental survey section. The section is owned entirely in fee (private) mineral ownership. The title record search I coordinated and conducted on behalf of Petitioner disclosed 63 mineral interest owners ("Owners") in the Subject Lands. Of these owners, Enerplus have obtained leases directly from 22 Owners. Devon has obtained leases covering another 28 interests. This leaves 12 unleased mineral interest owners. As to the unleased mineral interest owners, our review of title has revealed addresses of record for all of these parties. Enerplus has either attempted to lease these parties directly or has sent certified letters containing offers to lease or pay their proportionate share of costs of drilling the Livsey 25-15 Well to each of the Owners. However, several the letters sent to the addresses of record were returned as undeliverable. Thus, it appears that the addresses for these parties are no longer valid and they are otherwise unlocatable. Attached as Exhibits "A" and "B" hereto are lists of those Owners in the subject lands for whom Petitioner has located addresses (Exhibit "A") and those Owners for whom Petitioner has determined that the addresses are invalid (Exhibit "B").

6. Based on the foregoing and my experience as a professional landman, I have exercised reasonable diligence on behalf of Petitioner under the circumstances to locate and provide notice of Petitioner's Request on all Owners, Operators, and other

parties whose legally protected interests may be affected as required by Rule R641-106-200 of the Utah Administrative Code.

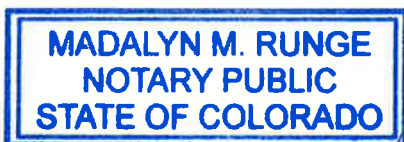
7. As to the Owners listed on Exhibit "B," the location of these Owners presently remains unknown, service of Petitioner's Request in this cause by publication as contemplated under Rule R641-106-200 of the Utah Administrative Code is the only reasonable and practical method of providing notice to such Owners. Publication in newspapers of general circulation in Salt Lake City and Salt Lake and Uintah Counties, Utah, of notice of Petitioner's Request is reasonably calculated under the circumstances to apprise all such Owners of the pendency of this cause to the extent possible or practicable.

8. As to the Owners listed on Exhibit "A," given the fact that many Owners are located out of the State of Utah, certified mail addressed to such Owners at their last known address is the only reasonable and practical method of serving the Request and providing notice to such Owners.


Dated this 5 day of February, 2010.

  
\_\_\_\_\_  
JEFF SCHROEDER

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of February, 2010.



My Commission Expires 11/25/2012

  
\_\_\_\_\_  
NOTARY PUBLIC

## EXHIBIT "A"

### **Names and Addresses of Mineral Interest Owners and Other Persons Whose Legally Protected Interests Will be Affected by Petitioner's Request for Agency Action**

Evergreen HBP, L.P.  
4605 Post Oak Place, #100  
Houston, TX 77027

Focus Energy LLC  
730 17<sup>th</sup> Street, Suite 610  
Denver, CO 80202

Paul G. Hendershott  
2724 Ferndale Street  
Houston, TX 77098

Gary L. Kornegay  
P.O. Box 841286  
Houston, TX 77084

Hao Li  
21415 Grand Hollow Lane  
Katy, TX 77450

Lloyd L. Rasmussen  
Route 2, Box 2389  
Roosevelt, UT 84066

Joseph Dale Rasmussen  
Route 2, Box 2389  
Roosevelt, UT 84066

Diane C. Peterson  
1365 Ambassador Way  
Salt Lake City, Utah 84108

Jess Cheney  
7923 Danish Ridge Way  
Salt Lake City, UT 84121-5722

Norman O. Rasmussen  
1868 North Laurel Avenue  
Upland, CA 91784

Adrienne Larson  
P.O. Box 30007  
Salt Lake City, UT 84130

University of Utah  
1950 Circle of Hope Dr,  
Salt Lake City, UT 84112

H & R Rasmussen Family Trust Dtd 10/10/08  
C/O Heber M. and Ruth H. Rasmussen  
Route 2, Box 3857  
Roosevelt, UT 84066

Ardith B. Allred  
Route 2 Box 2667  
Roosevelt, UT 84066

Anita Ashby  
1 Northridge Way  
Sandy, UT 84092

Brenda Pierson  
3365 S. Fairway  
Springfield, MO 65804

Diane Lynn Wilson  
P.O Box 624  
Huntington, UT 84528

Eliason Eight, LLC  
4349 S Lynne Lane  
Holladay, UT 84124

William Nicholson, CPA, as Successor  
Trustee of the Brigham Krause and Vera L.  
Krause Heirs Trust  
300 East 4500 South  
Murray, UT 84107

Jay M. Hall, Bruce B. Hall, Glade G. Hall and  
Edwin C. Hall, Trustees of the Thomas Edwin  
Hall Testamentary Trust  
965 West Pinnocchio Drive  
Salt Lake City, UT 84116

Marvil Investments, LLC  
2816 Edward Way  
Sandy, UT 84093

Head Properties, LLC  
2415 Neffs Lane  
Salt Lake City, UT 84109

Covey Minerals, Inc., A Utah Corporation  
2079 Sierra Ridge Court  
Salt Lake City, UT 84109

David J. Callister and Jennifer Callister,  
Trustee of the David and Jennifer Callister  
Family Trust  
2415 Neffs Lane  
Salt Lake City, UT 84109

Glen E. Allred and Helen H. Allred  
2727 South 50 West  
Bountiful, UT 84010

J.R. Allred, Trustee of the J.R. Allred  
Revocable Trust dated December 28, 1993  
P.O. Box 101  
Hyde Park, UT 84318

Floyd L. Massey  
P.O. Box 93  
Jensen, UT 84435

Valda J. Massey  
P.O. Box 93  
Jensen, UT 84435

Illela McKinlay  
P.O. Box 39  
Teton City, ID 83451

George O. Massey, Jr  
739 North Main St  
Sevierville, UT 84463

George G. Vaught, Jr.  
P.O. Box 13557  
Denver, CO 84201-3557

Howard Rex Carroll and Lola Tamson Carroll,  
Trustees of the Howard Rex Carroll Trust  
1030 S 450 W  
Vernal, UT 84078

Lola Tamson Carroll and Howard Rex Carroll,  
Trustees of the Lola Tamson Carroll Trust  
1030 S 450 W  
Vernal, UT 84078

Paul L. McCullis  
P.O. Box 3248  
Littleton, CO 80161-3248

Julian A. Massey, Jr.  
1749 North 1544 West  
Vernal, UT 84078

Darlene Allred Johnson  
P.O. Box 136  
Ranchester, WY 82839

Ralph Olson  
337 Birchwood Drive  
Orem, UT 84057

Emma Jean Murray  
218 West Rangely Avenue  
Rangely, CO 81648

James (Jim) McNaughton  
2354 Galaxy Way  
Lake Orion, MI 48360

Jacqueline Peters  
2638 144th Ave NE  
Kent, WA 99942

Daniel S. Sam and Penny B. Sam, joint  
tenants  
319 W 109 S, Ste. A  
Vernal, UT 84073

Carol T. Huntzinger  
396 West 700 North  
Lindon, UT 84042

Carol T. and Ronald Huntzinger  
396 West 700 North  
Lindon, UT 84042

Sharan E. Bleyl aka Sharann E. Bleyl  
7624 North 34th Drive  
Phoenix, AZ 85021

Linda Pierson  
564 Juniper Street  
LaVerne, CA 91750-5721

Nancy K. Miller  
2926 Banberry  
Salt Lake City, UT 84121

James D. Harmston, as Personal  
Representative of the Estate of James  
Harmston, deceased  
96 East 300 South  
Manti, UT 84642

Nolan G. Massey, dealing in his sole and  
separate property  
1398 West 400 South  
Vernal, UT 84078

Michael F.D. Massey, also known as Michael  
Ferrel Dunn Massey  
162 North 130 East  
Orem, UT 84057

Larraine Nelson fka Larraine Margaret  
Massey  
2036 West 1600 North  
Provo, UT 84501

Sherwin Massey aka Sherwin Basil Massey  
953 South 930 West  
Payson, UT 84651

Adrian Massey aka Adrian Byran Massey  
1131 South 730 West  
Payson, UT 84651

Loretta Oborn fka Loretta Elizabeth Massey  
212 Baldwin Ave  
Roseville, CA 95678

Lanore Whiting fka Lanore Kathleen Massey  
1787 South 40 West  
Orem, UT 84058

M. Leon Hunsaker and Barbara L. Hunsaker  
500 Foxridge Drive  
Providence, UT 84332

Dee Sessions and Gene A. Sessions, Trustees  
of the Irrevocable Trust of Lola A. Sessions  
1327 29th Street  
Ogden, UT 84403

Zola M. Allred, life tenant, with Earl V.  
Allred, Deanna A. Miller and Shirley A.  
Rowley, remaindermen  
Route 2, Box 2726  
Roosevelt, Utah 84066

Devon Energy Production Company, L.P.  
C/O Charles Speer  
20 N. Broadway  
Oklahoma City, OK 73102

Croff Oil Company  
C/O Brett Jensen  
3773 Cherry Creek Drive North  
Suite 1025  
Denver, CO 80209

El Paso E&P Company, L.P.  
C/O Ryan Waller  
1099 18th Street, Suite 1900  
Denver, CO 80202

Aaron D. Rasmussen  
2358 East 1000 South  
Ballard, UT 84066

Max D. Rasmussen  
Rt. 1, Box 3857  
Roosevelt, UT 84066

Mark A. Chapman  
C/O Bill Wilson  
P.O. Box 1389  
Sealy, TX 79109

Slover Minerals, L.P.  
C/O Ronald E. Slover  
3614 Royal Road  
Amarillo, TX 79109

Dusty Sanderson  
7802 Bennington Dr.  
Amarillo, TX 79119

C.D. LaSusa  
P.O. Box 1808  
Corsicana, TX 75151

Otter Creek, LLC  
C/O William Wilson  
P.O. Box 1557  
Sealy, TX 77474

## **EXHIBIT "B"**

### **Names of Mineral Interest Owners Without Valid Addresses**

Aaron D. Rasmussen

Max D. Rasmussen

Michael D. Pierson

Deanna Kay Sargeant

Nicole Massey

Julie Massey

Naomi Allred a/k/a Naomi Allred Roll